



WHAT IS A BILL



LEGISLATIVE COUNCIL IN BRIEF NO. 5

A bill contains proposed new legislation or amendments to existing legislation for consideration by the Legislative Council. Before a law takes effect, it must be passed by the Legislative Council, and signed and promulgated by the Chief Executive.

There are two types of bills: Government bills and Members' bills.

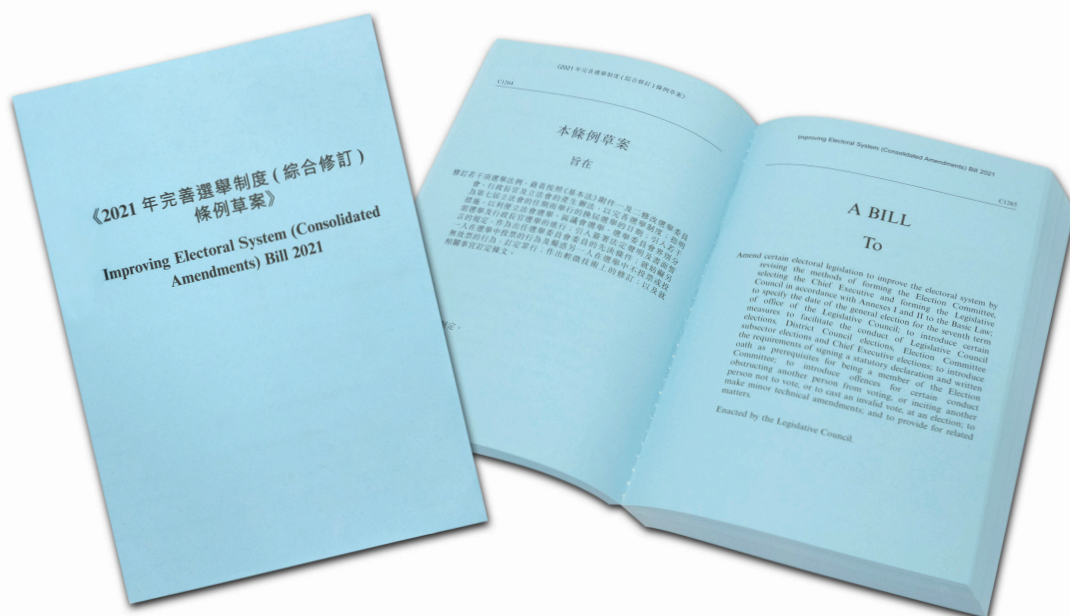
GOVERNMENT BILLS

Article 62(5) of the Basic Law provides that the Government of the Hong Kong Special Administrative Region has the powers and functions to draft and introduce bills, motions and subsidiary legislation. Bills introduced by the Government are known as Government bills.

MEMBERS' BILLS

Although most bills are Government bills, Legislative Council Members may also

introduce bills into the Legislative Council and such bills are known as Members' bills. Under Article 74 of the Basic Law, bills which do not relate to public expenditure, political structure or the operation of the Government may be introduced individually or jointly by Members. As for bills relating to Government policies, the written consent of the Chief Executive is required before they can be introduced by Members.



A bill published in the Gazette

THE PROCEDURES FOR INTRODUCING BILLS INTO THE LEGISLATIVE COUNCIL

Before a bill is introduced into the Legislative Council, it needs to go through the following procedures:

	GOVERNMENT BILLS	MEMBERS' BILLS
Consultation	If the Government intends to propose new laws or amend existing laws for the implementation of a policy, the relevant policy bureau usually consults the relevant Legislative Council Panels, and various parties (including the public) that may be affected by the implementation of the bill.	Before a Member introduces a bill, he or she must first consult the relevant Legislative Council Panel on a draft of the bill and may consult the parties affected by the bill.
Law drafting	Having considered the comments received during consultation, the policy bureau gives drafting instructions to the Department of Justice ("DoJ") requesting it to put the proposal into the form of a bill. The bill will then be submitted to the Executive Council.	The Member who intends to introduce a bill is responsible for the drafting of the bill. The introduction of a Member's bill requires a certificate issued by the Law Draftsman of DoJ that the bill conforms to both the form of bills according to the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and the general form of Hong Kong legislation.
Introduction of bills	<ul style="list-style-type: none"> When the Chief Executive decides, on the advice of the Executive Council, to introduce the bill into the Legislative Council, a notice of the Government's intention to present the bill is sent to the Clerk to the Legislative Council. The Clerk to the Legislative Council, after the receipt of the bill for presentation, causes the text of the bill and its explanatory memorandum to be published in the Gazette. 	<ul style="list-style-type: none"> The Member may send a notice of his or her intention to present the bill to the Clerk to the Legislative Council. For a "private bill"¹, the Member is required to publish the bill in two successive publications of the Gazette and the notice of the bill is required to be advertised twice in two daily newspapers published in Hong Kong, one being a Chinese language newspaper and the other an English one. For a public bill² which concerns the public at large, the Clerk to the Legislative Council causes the text of the bill and its explanatory memorandum to be published in the Gazette. The President of the Legislative Council will rule on whether the Member's bill can be introduced.

¹ As defined in section 2 of the Private Bills Ordinance (Cap. 69), a "private bill" means a bill which (a) provides primarily for the particular interest or benefit of any individual, association or body corporate rather than the interest or benefit of the public, and (b) is not a Government measure.

² Public bills relate to matters of public policy and they tend to be general in nature and affect the public.

Further Reference:

Legislative Council in Brief No. 4 – Clerk to the Legislative Council

Legislative Council in Brief No. 7 – How Laws are Made

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